

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

HOWARD BOODIE, JR.,

Plaintiff,

v.

Case No. 2:17-cv-161

**CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth P. Deavers**

MICHAEL A. PRISLEY,

Defendant.

OPINION & ORDER

This matter is before the Court on Plaintiff Howard Boddie, Jr.’s Motion for Reconsideration (ECF No. 14) of this Court’s June 14, 2017 Order adopting the Report & Recommendation of the Magistrate Judge and dismissing Boddie’s claim on the basis of res judicata. (ECF No. 12).

A party may move to alter or amend judgment if there is ““(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice.”” *CitiMortgage, Inc. v. Nyamusevya*, No. 2:13-cv-00680, 2015 WL 1000444, at *2 (S.D. Ohio Mar. 5, 2015) (quoting *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Cir. 2005)). A “motion to reconsider . . . may not be used as a vehicle for the losing party to rehash arguments previously considered and rejected by the district court.” See *All W. Pet Supply Co. v. Hill’s Pet Products Div., Colgate-Palmolive Co.*, 847 F. Supp. 858, 860 (D. Kan. 1994)).

The Court has reviewed Plaintiff’s motion and finds that it restates the arguments already raised in Plaintiff’s Objection to the Report and Recommendation and considered by the Court. (ECF No. 11.) Plaintiff maintains that the Court made a clear error of judgment in dismissing Plaintiff’s claim on the basis of res judicata rather than addressing the merits of his arguments.

The Court finds that Plaintiff has failed to present any newly discovered evidence, an intervening change in controlling law, or established a need to prevent manifest injustice. The Motion for Reconsideration (ECF No. 14) is therefore **DENIED**.

IT IS SO ORDERED.

7-3-2017

DATE

EAS
EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE